

DEC 05 1990

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

CHRIS R. JOHNSON, Clerk
By *Janet Knight*
Deputy Clerk

REV. JASPER MAYS, ET AL.

PLAINTIFFS,

V.

NO. 88-1076

THE ARKANSAS STATE DEPARTMENT OF
EDUCATION ET AL.,

DEFENDANTS.

PLAINTIFFS' STATEMENT PURSUANT TO LOCAL RULE 29

Pursuant to Local Rule 29 plaintiffs submit this statement of material facts as to which they contend there are genuine issues to be tried.

1. Plaintiffs deny paragraph 7 of State Defendants' Statement of Material Facts Not in Dispute. The determination of the state defendants intent in the enactment and application of the "standards" is one for the court to determine based upon all the evidence, including the foreseeability of the disparate impact upon minorities in educational opportunities and classroom segregation which those standards have wrought every year since implementation.

2. Plaintiffs deny paragraph 8 of State Defendants' Statement of Material Facts Not in Dispute. Defendant Hamburg School district has a policy based upon the requirement that students pass certain state mandated tests.

3. Plaintiffs deny paragraph 9 of State Defendants' Statement of Material Facts Not in Dispute to the extent that the state had an affirmative duty to insure that any consolidations were conducted in a constitutional manner.

4. That the minimum standards for accreditation of public elementary and secondary schools was enacted or implemented with a

racially discriminatory purpose.

5. That the minimum standards for accreditation of elementary and secondary schools have a disproportionate effect in the Hamburg School district in such a way to increase racial segregation.

6. That the state defendants have failed to perform their affirmative duty to end racial segregation in the Hamburg School District which it required for over a century.

7. That the state defendants have failed to perform their affirmative duty to assist the Hamburg School District in implementing the minimum standards and promulgating rules and guidelines so that there would not be disparate impact or disparate treatment of black students in the Hamburg School District.

8. That the state defendants have failed to meet their affirmative duty to not only improve the quality of education generally, but to improve the instruction of educationally deprived and discriminatorily served black students in the Hamburg School District.

9. That the state has failed to follow through on its belated attempts to monitor the most obvious discrimination in the Hamburg School District; inequitable staffing, segregated elementary schools, over-representation of minorities in special education, under-representation of minorities in the gifted and talented programs.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed postage prepaid to all counsel of record this 30 day of November, 1990.

Mark Burnette